



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MARCH 5 and 6, 2019
SECOND AMENDED**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on March 5 and 6, 2019.

TUESDAY, MARCH 5, 2019—10:00 A.M.

- (1) Eugene G. Plantier, as Trustee, etc., et al. v. Ramona Municipal Water District, S243360
- (2) People v. Valenzuela (Luis Donicio), S239122

1:30 P.M.

- (3) Heimlich (Alan) v. Shivji (Shiraz M.), S243029
- (4) Southern California Gas Leak Cases, S246669
- (5) People v. Rivera (Cuitlahuac Tahua), [Automatic Appeal], S153881

WEDNESDAY, MARCH 6, 2019— 9:00 A.M.

- (6) In re Webb (Bettie) on Habeas Corpus, S247074
- (7) In re Cook (Anthony Maurice, Jr.) on Habeas Corpus, S240153
- (8) People v. Erskine (Scott Thomas), [Automatic Appeal], S127621

CANTIL-SAKAUYE
Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224©.)

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MARCH 5 and 6, 2019
FIRST AMENDED**

The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. In most instances, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, MARCH 5, 2019—10:00 A.M.

(1) *Eugene G. Plantier, as Trustee, etc., et al. v. Ramona Municipal Water District, S243360*

#17-270 Eugene G. Plantier, as Trustee, etc., et al. v. Ramona Municipal Water District, S243360. (D069798; 12 Cal.App.5th 856; San Diego County Superior Court; 37-2014-00083195-CU-BT-CTL.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Were ratepayers seeking to challenge the water district’s method of calculating wastewater service fees required to exhaust administrative remedies by participating in the public hearing required by California Constitution, Article XIII D, section 6?

(2) *People v. Valenzuela (Luis Donicio), S239122*

#17-75 People v. Valenzuela (Luis Donicio), S239122. (B269027; 5 Cal.App.5th 449; Ventura County Superior Court; 2013025724.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. This case presents the following issue: Does a conviction for active gang participation in violation of Penal Code section 186.22, subdivision (a), which requires that the defendant willfully promote, further, or assist in any *felonious* criminal conduct of the gang, remain valid when the underlying conduct in question was reduced from a felony to a misdemeanor pursuant to Proposition 47?

1:30 P.M.

(3) *Heimlich (Alan) v. Shivji (Shiraz M.), S243029*

#17-262 Heimlich (Alan) v. Shivji (Shiraz M.), S243029. (H042641; 12 Cal.App.5th 152; Santa Clara County Superior Court; CV231939.) Petition for review after the Court of Appeal reversed an order denying a motion for costs. This case presents the following issue: When a party to an arbitration proceeding makes an offer of compromise pursuant to Code of Civil Procedure section 998 and obtains a result in the arbitration more favorable to it than that offer, how, when, and from whom does that party request costs as provided under section 998?

(4) *Southern California Gas Leak Cases, S246669*

#18-40 Southern California Gas Leak Cases, S246669. (B283606; 18 Cal.App.5th 581; Los Angeles County Superior Court; JCCP4861.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Can a plaintiff who is harmed by a manmade environmental disaster state a claim for negligence against the gas company that allegedly caused the disaster if the damages sustained are purely economic?

(5) *People v. Rivera (Cuitlahuac Tahua), [Automatic Appeal], S153881*

This matter is an automatic appeal from a judgment of death.

WEDNESDAY, MARCH 6, 2019—9:00 A.M.

(6) *In re Webb (Bettie) on Habeas Corpus, S247074*

#18-65 In re Webb (Bettie) on Habeas Corpus, S247074. (D072981; 20 Cal.App.5th 44; San Diego County Superior Court; HSC11619, SCS293150.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. This case presents the following issue: Does the superior court have statutory or inherent authority to impose conditions of bail on felony defendants who post bail in the amount specified in the superior court's bail schedule or above that amount?

(7) *In re Cook (Anthony Maurice, Jr.) on Habeas Corpus, S240153*

#17-116 *In re Cook (Anthony Maurice, Jr.) on Habeas Corpus, S240153. (G050907; 7 Cal.App.5th 393; San Bernardino County Superior Court; WHCSS1400290.)* Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus.

This case presents the following issue: Does habeas corpus jurisdiction exist for a petitioner seeking a post-sentencing hearing to make a record of “mitigating evidence tied to his youth” (*People v. Franklin* (2016) 63 Cal.4th 261, 276) after the conviction is final?

(8) *People v. Erskine (Scott Thomas), [Automatic Appeal], S127621*

This matter is an automatic appeal from a judgment of death.